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# Appraisal Subcommittee

*Federal Financial Institutions Examination Council*

September 23, 1997

Shelley K. Wismer  
Staff Legal Counsel  
State of Utah  
Department of Commerce  
Division of Real Estate  
Heber M. Wells Building  
160 East 300 South/P.O. Box 146711  
Salt Lake City, UT 84114-6711

Dear Ms. Wismer:

Thank you for your August 27, 1997 letter regarding Utah's submission of Social Security Numbers ("SSNs") to the Appraisal Subcommittee ("ASC"). In your letter, you noted that SSNs are "'private' information" under Utah law, and you enclosed § 63-2-206 of your State records act, which governs sharing private information with another government entity. You also requested a copy of the statute or regulation authorizing the ASC to receive SSNs and represented that you will submit the SSNs upon receipt of the statute or regulation.

Two sections of Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, as amended, ("Title XI") speak directly to the National Registry of State Certified or Licensed Real Estate Appraisers ("National Registry"). Section 1103(a)(3), 12 U.S.C. 3332(a)(3), generally requires the ASC to "maintain a national registry of State certified or licensed appraisers who are eligible to perform appraisals in federally related transactions." And, Section 1109(a)(1), 12 U.S.C. 3338(a)(1), requires States to "transmit to the [ASC], no less than annually, a roster listing individuals who have received a State certification or license in accordance with [Title XI]." The specific information to be included in the National Registry, however, was not specified in the statute or discussed in Title XI's legislative history. It appears, therefore, that the specific data fields for inclusion in the National Registry were left to the sound discretion of the ASC, consistent with Title XI's purposes.

The ASC has exercised its discretion and has determined the National Registry's data elements. The ASC, by formal vote at its June 1997 meeting, approved all aspects of the "National Registry Redesign Project," including the need for States to provide to the ASC SSNs, when available, and to use them as the key field — the "National Registry Number." Pursuant to that approval, and at the ASC's direction, Mr. Henson's July 31, 1997 letter informed State appraiser regulatory agencies ("State agencies") of the ASC's action, including the need to submit SSNs. And, after consideration during its August and September 1997 meetings, the ASC, yesterday formally adopted amended ASC Policy Statement 8, entitled *National Registry of State Certified and Licensed Appraisers*. Statement 8 has been significantly changed to reflect the new aspects of the "Redesign project."

I have enclosed an advance copy of the new Statement for your convenience. A new, bound version of all ten *Policy Statements Regarding State Certification and Licensing of Real Estate Appraisers*, as adopted yesterday, will be printed and distributed to all State agencies shortly. As stated in the introduction to both the 1993 and the new, amended version of the Policy Statements, the Statements "reflect the general framework that the ASC is using to review a

State's [appraiser regulatory] program for compliance with Title XI." For the ASC's authority to oversee State appraiser regulatory programs, please refer to §§ 1103(a)(1), 12 U.S.C. 3332(a)(1) and 1118, 12 U.S.C. 3347, of Title XI.

I hope that this letter fully addresses your concerns. If you have any further questions, please do not hesitate to contact me.

Sincerely,

Marc L. Weinberg  
General Counsel

Attachments